

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	TI-28564.1
Sundararajan Sriram	Examiner: Casca, Fred
Serial No.: 10/658,902	Art Unit: 2617
Filed: 09/10/2003	Conf. No.: 3595
For: COMMA FREE CODES FOR FAST CELL SEARCH USING TERTIARY SYNCHRONIZATION CHANNEL	

**REQUEST FOR RECONSIDERATION BY THE COMMISSIONER OF
DECISION DISMISSING PETITION TO WITHDRAW HOLDING OF
ABANDONMENT – 37 C.F.R. §§ 1.181**

Mail Stop Petition

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests reconsideration by the Commissioner of the Decision on Petition dated November 7, 2008 dismissing Applicants' Petition to Withdraw the Holding of Abandonment, for the reasons set forth below.

In the Decision on Petition dated November 7, 2008 DISMISSING Applicant's Petition, the Office of Petitions set forth the following grounds for dismissing the Petition:

The file record discloses that the Notice to File Corrected Application Papers was sent to what was believed to be the email address of record, petition contends that it was not received. A petition filed November 20, 2007 and treated under 37 CFR 1.181 was dismissed in a decision mailed June 10, 2008 because the requirement under 37 CFR 1.181, that copies of the actual docket records or file jacket be provided, was not met.

Comes now petitioner arguing that they fail to understand what would be accomplished by the PTO requiring Applicant to produce a physical copy of the entire contents of the actual file jacket.

Evidence of non-receipt was not provided with the petition filed November 20, 2007. In accordance with the requirements of 37 CFR 1.181 for providing non-receipt, the decision mailed June 10, 2008 **required copies of the "DOCKET RECORDS" not a "physical copy of the entire contents of the actual file jacket"** as was indicated in the request for reconsideration.

By definition, a docket is a list. Petition is referred to MPEP 711.03(c) for an understanding of the showing required for establishing non-receipt of an office communication and what is meant by "Docket".

As was indicated in the decision mailed June 10, 2008, and with the instant request for reconsider, other than the statements regarding non-receipt, **no other corroborating evidence to prove non-receipt has been presented.**

Applicant respectfully disagrees with the DISMISSAL of the Petition and more specifically submits that the determinations above in bold were made in error for the reasons set forth below.

**REASONS WHY THE DECISION ON PETITION DISMISSING THE
PETITION IS IN IMPROPER AND SHOULD BE WITHDRAWN**

In the Request to Withdraw Notice of Abandonment dated November 20, 2007, Applicant submitted the following:

Applicant's representative next checked Applicant's electronic database to see if there was any indication of receipt of the purported Office letter dated July 9, 2007 or any other Office communication sent to Applicant after the Issue Fee was paid on May 23, 2007. Unfortunately, no copy of the purported Office letter dated July 9, 2007 or any other Office communication sent to Applicant after the Issue Fee was paid on May 23, 2007 was in the file (ATTACHMENT-5) (Request to Withdraw Notice of Abandonment dated November 20, 2007, page 2, line 17 – page 3, line 2).

(ATTACHMENT-5) is in fact a copy of Applicant's docket database. It was submitted as an attachment to the Request to Withdraw Notice of Abandonment dated November 20, 2008. Applicant thus provided a copy of his electronic database for the application at hand (ATTACHMENT-5, submitted with REQUEST TO WITHDRAW NOTICE OF ABANDONMENT dated November 20, 2007)(duplicate copy submitted herewith), which is objective evidence that clearly proves that Applicant did NOT receive the purported Office communication of 07/09/2007. Indeed, ATTACHMENT-5 clearly shows that no communications of any kind were received by Applicant on this application after the Notice of Allowance was sent to Applicant on March 29, 2007 (see ATTACHMENT-5, page 2, look for "Notice of Allowance" on the left column, under "Actions").

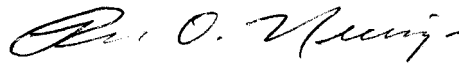
(ATTACHMENT-5) further shows that NO action items were scheduled after the "Issue Fee Due" and "Drawings Required or Due" dated 6/29/2007.

Applicant respectfully submits that no additional action items were scheduled after the Office communication dated July 9, 2007 was received thus providing evidence that Applicant did NOT receive the Office communication dated July 9, 2007. Applicant respectfully submits that (ATTACHMENT-5) is in fact a DOCKET RECORD. It is a "list" of the docket for the pending application. (ATTACHMENT-5) was also submitted in a timely manner. As such, it meets the requirements of MPEP 711.03(c).

Thus the determination by the Office of Petitions that – "Evidence of non-receipt was not provided with the petition filed November 20, 2007 (Decision on Petition dated November 7, 2008, page 1)", is clearly in error and must be withdrawn.

Accordingly, in light of the above facts and arguments, Applicant respectfully requests reconsideration of the Dismissal of the Petition and hereby reaffirms his request that the Petition request be granted.

Respectfully submitted,



Ronald O. Neerings

Reg. No. 34,227

Attorney for Applicant

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Patent: T28564, United States, Regular, National, Division

Patent Data

Docket Number	T28564	Attorney	Neerings, Ronald O.
Country	United States	Agent	
Case Type	Regular	Client\Division	SC DSP
Relation Type	Division	Current Owner	Texas Instruments
Filing Type	National	Previous Owner	
Filing Number		Con\Div	.1
Status	Filed	First Filing Date	10/16/1998
Sub Status		Sub Status Date	
Parent Country		Parent Filing Date	10/15/1999
Parent Number		Parent Grant Date	
Application Number	10/658,902	Application Date	9/10/2003
Patent Number		Grant Date	
Publication Number	2004-0057414	Publication Date	3/25/2004
Assigned	Assignment Recorded	Ind. Claims\Designs	
Convention Type		Total Claims	
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	3595
Operating Group		Tax Base Date	
Custom Party #1		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		PTO Customer No.	23494
Custom Party #4		Custom Date #1	
Custom Party #5		Storage Location	RON
Custom Party #6		Conception Date	
Custom Party #7		Storage Box/Date	11/7/07
Custom Party #8		Receive Date	
Agent Ref No		Art Unit	2617
Strategy 1		Last Review Date	
Strategy 2		Examiner Name	
Strategy 3		Gov Contract No	
Licensing		Disc/3rd Yr Merit	
Custom Code #6		7th Yr Merit	
Custom Code #7		11th Yr Merit	
Customer Code	TXPP	Customer Name	Texas Instruments

Title

COMMA FREE CODES FOR FAST CELL SEARCH USING TERTIARY SYNCHRONIZATION CHANNEL

Description

ABSTRACT A method of processing data comprises the receiving a frame of data having a predetermined number of time slots (502,504,506). Each time slot comprises a respective plurality of data symbols (520). The method further comprises a primary (508), a secondary (510) and a tertiary (512) synchronization code in each said predetermined number of time slots. WHAT IS CLAIMED: 1. A method, comprising the steps of: receiving a frame of data having a predetermined number of time slots; receiving a plurality of data symbols in each respective time slot; and receiving a primary, a secondary and a tertiary synchronization code in each said predetermined number of time slots.

Current Expense Information

Other Case-Related Information

Actions

Action	Atty Action Due Date	Atty Action Comp Date	Response Due Date	Mail Date	PTO Complete Date	Assigned Atty	Review Atty	Action Notes
Express mail Receipt		9/11/2003						

Divisional Application Declaration	9/10/2003	9/10/2003	Neerings, Ronald O.	
Drawings filed	9/10/2003	9/10/2003	Neerings, Ronald O.	
Preliminary Amendment	9/10/2003	9/10/2003	Neerings, Ronald O.	
Blue Filing Receipt		12/3/2003		
Application Rejected		11/16/2004		
Final Rejection		7/1/2005		
Advisory Action		9/22/2005		
Request for Continued Examination	3/22/2006	3/22/2006	Neerings, Ronald O.	
Extension	3/22/2006	3/22/2006	Neerings, Ronald O.	3 MONTH EOT FOR THE RCE MAILED ON 3/22/06.
Application Rejected		6/13/2006		
Notice of allowance		3/29/2007		
Info Discl. Statement	12/10/2003	12/10/2003	12/15/2003	Neerings, Ronald O.
Rejection response due	2/16/2005	4/11/2005	4/14/2005	Cantor, Jay M.
Amendment 116 due	9/1/2005	8/26/2005	8/29/2005	Cantor, Jay M.
Notice of Appeal due	10/1/2005	1/1/1930		
Rejection response due - final	9/13/2006	11/30/2006	11/30/2006	Neerings, Ronald O.
Drawings due - 1 month	5/29/2007	1/1/1930		
Issue Fee Due	6/29/2007	5/23/2007	5/23/2007	Neerings, Ronald O.
Drawings Required or Due	6/29/2007	1/1/1930		

Inventors

Inventor	Division	Employee No	Cost Center	Original Inventor Name	Company Status	Assignment Date	Term Date
Sriram, Sundararajan 3		0196458	5103	SRIRAM, SUNDARARAJAN			

CreateUser: usecsc\A0213827

UpdateUser: ENT\X0076836

CreateDate: 9/11/2003

UpdateDate: 11/7/2007

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